

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

PRINCE KAYODE ADEKOYA,

Defendant.
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04 CR 0443 (NG) (MDG)

ORDER

GERSHON, United States District Judge:

On June 22, 2005, a judgment of conviction was entered against defendant. Subsequently, on June 28, 2005, defendant filed a notice of appeal to the United States Court of Appeals for the Second Circuit. By letter dated April 30, 2006, defendant asks the court to direct the Metropolitan Correction Center, where he is currently incarcerated, to alter its schedule of library access. The notice of appeal filed on June 28, 2005 divested this court of jurisdiction. *See New York State National Organization for Women v. Terry*, 886 F.2d 1339, 1350 (2d Cir. 1989). As a result, defendant's application is dismissed without prejudice to being raised before the Court of Appeals.

SO ORDERED.

/S/
NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
May 31, 2006